

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD HARDY,

Plaintiff,

-against-

NEW YORK STATE DEPARTMENT OF
LABOR,

Defendant.

1:19-CV-5291 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated November 1, 2019, the Court granted Plaintiff leave to file an amended complaint within sixty days. That order specified that failure to comply would result in dismissal of this action as frivolous and for seeking monetary relief against a defendant that is immune from such relief. Plaintiff has not filed an amended complaint. Accordingly, the Court dismisses this action as frivolous and for seeking monetary relief against a defendant that is immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(i), (iii).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 22, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge